

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**November 26, 2014**

The Lake County Planning and Zoning Board met on Wednesday, November 26, 2014 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for Rezoning Amendments, PUD Amendments, and CUP Requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, December 16, 2014 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Paul Bryan, Chairman	District 5
Kathryn McKeeby, Secretary	District 1
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4

**Members Not Present:**

Kasey Kesselring	At-Large Representative
Debbie Stivender	School Board Representative
Donald Heaton	Ex-Officio Non-Voting Military
Vacant	District 2

**Staff Present:**

Chris Schmidt, Manager, Planning & Community Design Division  
Steve Greene, AICP, Chief Planner, Planning & Community Design Division  
Melving Isaac, Senior Planner, Planning & Community Design Division  
Rick Hartenstein, Senior Planner, Planning & Community Design Division  
Donna Bohrer, Office Associate, Planning & Community Design Division  
Erin Hartigan, Assistant County Attorney  
Susan Boyajan, Clerk, Board Support  
Ross Pluta, Engineer III, Public Works

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance and gave the invocation.

Mr. Bryan explained the procedures for the meeting, noting that the cases on the consent agenda had been placed there by staff who were recommending approval on those without further discussion or public comment and that they were considered noncontroversial. He added that those who wish to speak on any of the cases on the Consent Agenda would fill out a card to do so and might result in that case being moved to the Regular Agenda. He stated that they were a recommending body, and the Board of County Commissioners would

have final authority on those cases at their next meeting on December 16, 2014. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

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Tab 1	SLPA#14/10/2-2	U-Haul Company of Florida Small Land Plan Amendment
Tab 2	PH# 36-14-2	U-Haul Company of Florida Rezoning
Tab 4	PH#31-14-4	Payne Rd/West Hunter Rezoning
Tab 5	CUP#14/10/1-4	Mossy Oak Fences/Payne Rd, CUP
Tab 6	PH#34-14-4	Heathrow Country Estates PUD Amendment

### **REGULAR AGENDA**

Tab 3	PH#17-14-2	Jahna PUD
Tab 7	PH#17-14-2	Johns Lake Landing PUD Amendment
Tab 8	CUP#14/6/1-3	Novillo Lake Jem Equestrian Training & Event Center CUP

**Other Business**

**Adjournment**

**MINUTES**

**MOTION** by Tim Morris, **SECONDED** by Kathryn McKeeby to **APPROVE** the Minutes of October 29, 2014 of the Lake County Planning and Zoning Board meeting, as submitted.

**FOR:** Morris, Gonzalez, Bryan, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 4-0

**AGENDA UPDATES**

Mr. Steve Greene, Chief Planner, Division of Planning & Community Design, stated that Tab 3, PH#17-14-2 for the Jahna PUD, would be moved to the Regular Agenda. He noted that the remaining cases would remain on Consent, and staff requests a favorable recommendation for those five items. He also mentioned that staff wanted to add a point of business regarding the P&Z term duration under other business items.

**CONSENT AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/AGENT/PROJECT</u></b>
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**MOTION** by Rick Gonzalez, seconded by Kathryn McKeeby to **APPROVE** the Consent Agenda which includes Tabs 1, 2, 4, 5, and 6, since Tab 3 has been moved to the Regular Agenda.

**FOR:** Morris, Gonzalez, Bryan, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 4-0

**Tab 7 – PH#17-14-2 – Johns Lake Landing PUD Amendment**

Mr. Rick Hartenstein, Senior Planner, related that staff is requesting a 30-day continuance to the January P&Z meeting to allow sufficient time to review a revised conceptual plan that was submitted by the applicant, and they also have received an email from the City of Clermont requesting this continuance so that their City Council could hear it on December 9. He noted that his discussions with the applicant and the opposition indicated that they are all in agreement with this continuance.

Mr. Bryan pointed out that there were several cards submitted by people who wanted to speak on this case, and he asked if there were any who wished to speak in regard to the 30-day continuance; however, no one wished to speak at that time.

**MOTION by Tim Morris, seconded by Kathryn McKeeby to APPROVE a 30-day continuance in Case PH#17-14-2, Johns Lake Landing PUD Amendment.**

**FOR: Morris, Gonzalez, Bryan, McKeeby**

**AGAINST: None**

**MOTION CARRIED: 4-0**

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**Tab 8 – CUP#14/6/1-3 – Novillo Lake Jem Equestrian Training & Event Center CUP**

Mr. Greene related that the applicant for this case is requesting a 30-day continuance so that they could hold community meetings for members of the community to speak about their requests and concerns with them.

Mr. Bryan noted that there were several cards submitted by people who wanted to speak on this case, and he asked if there were any who wished to speak in regard to the 30-day continuance; however, no one wished to speak at that time.

**MOTION by Tim Morris, seconded by Rick Gonzalez to APPROVE a 30-day continuance in CUP#14/6/1-3 – Novillo Lake Jem Equestrian Training & Event Center CUP.**

**FOR:** Morris, Gonzalez, Bryan, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 4-0



**Tab 3 – PH#27-14-2 – Jahna PUD**

Mr. Melving Isaac, Senior Planner, specified that the owner for PH#27-14-2, Jahna PUD, is Nola Land Company, and the applicant is Cecelia Bonifay. He pointed out the location of the property on the overhead map, noting that it consisted of approximately 540 acres located in the Clermont area south of the intersection of SR 50 and Emil Jahna Road, and he stated that the property is currently zoned Planned Unit Development (PUD) since 2006, and the Future Land Use is Urban Low Density. He explained that the applicant is requesting to amend the PUD Ordinance No. 2006-30 to eliminate the age restriction among other changes to the existing conditions in the PUD ordinance, including amending the minimum lot width, setbacks, minimum building separation, site grading/mine reclamation, landscaping, environmental, and transportation improvements. He noted that Ordinance No. 2006-30 will be replaced by the proposed ordinance, and the number of proposed units of 894 would remain the same; therefore, the proposed changes would not change the density of the development. He displayed the concept plan for the development, pointing out the conservation area on the southeast corner, as well as areas designated for open space and a passive park, noting that the conservation areas have already been recorded. He further explained that the property is currently undeveloped and is a former mining site, and the master plan has been completed which included reclamation of the mining site. He related that the package of backup information contained a communication from the School Board to clarify that there was capacity for the proposed development for a period of one year until March 6, 2015, which will be revised for the BCC in the staff report. He mentioned that there were concerns that were raised by Ms. Beverly Allison regarding environmental, transportation and housing. He added that they were revising the PUD Expiration conditions in the ordinance to make it consistent with the stipulated settlement agreement for this property, the revisions to the proposed ordinance page #6 Section O.2 "PUD Expiration" was provided to the Zoning Board members. He concluded that the proposed rezoning is consistent with the Comprehensive Plan and Land Development Regulations, and staff recommended approval of this request.

Mr. Morris noted that the stipulated settlement agreement of July 26, 2011 was not in their packet, and he asked whether that was for an over-55 community.

Ms. Erin Hartigan, Assistant County Attorney, responded that she believed there originally was a stipulation for an over-55 community, but the age restriction was removed to make it consistent with the recent Comprehensive Plan Amendment.

Mr. Morris clarified that the school concurrency would be the checks and balances for a family community.

Ms. Hartigan elaborated that this applicant was one of the groups of people who challenged the Comprehensive Plan when it was approved in 2011, so those settlement provisions got incorporated into the Comprehensive Plan itself, and she believed the applicant would review that in her presentation as well.

Ms. Cecelia Bonifay, Akerman LLP, the attorney on behalf of Nola Land Company, Inc. for

the Jahna PUD Amendment, noted that Jahna Company was a mining company based out of Polk Company and recapped that this property was an old sand mine for many years. She related that appropriate permits were obtained as part of the reclamation of the mine to do a mass grading of the site, including the wildlife permits. She specified that there were a number of gopher tortoises on the site which were relocated to other properties at a cost of about \$1,500 per tortoise, and she assured the board that any environmental considerations that did arise were taken care of. She distributed copies of the Concept Plan, which she believed was in their package, and she recapped that this was originally approved as a PUD in 2006 by Lake County for Park Square, who was the residential builder who had the property under contract. She elaborated that she was involved at that time as the attorney representing Nola, the land owner, with other attorneys representing Park Square; however, Park Square did not go forward with the development contract, since it was the beginning of the real estate downturn, and that site has been undeveloped since that time. She commented that they now feel that this property is viable for residential development because of the change in the economy, and she noted that the proposal at the time of the original PUD was to have 894 age-restricted single-family and townhome units, although they have found that today's market shows no demand for all age-restricted communities. She reported that they have gone through a Comprehensive Plan Amendment within the last four to six months, since the age restriction initially was made part of the Comprehensive Plan, after challenging the County's 2030 Comprehensive Plan as part of a group of six or seven property owners that appealed it to the Department of Community Affairs (DCA), as part of an agreement with Lake County, DCA, and all of the landowners to remove the age restriction. She elaborated that a vesting for 12 years as part of that stipulated settlement agreement entered into in 2011 would ensure that this is vested until 2023, and their goal is to get rid of the old document and consolidate everything into the new PUD ordinance. She pointed out that since the new owner did not want to upset the surrounding neighborhoods, they have not increased the original density of 894, and they have added the reclamation into the PUD at the recommendation of County staff for clarity.

Ms. Bonifay recapped that there was an agreement in 2006 when Park Square was involved that was negotiated between Nola, Park Square, and two of the nearby developments that were concerned and wanted specific buffering which was never recorded or acted upon, since Park Square did not honor its commitment under that agreement. She elaborated that during the Comprehensive Plan Amendment process, representatives from those two associations contacted her about recording the conservation easements that were mentioned in the agreement, and the necessary legal descriptions were created in order to do that. She pointed out the conservation areas, lakes, and passive parks on an overhead map, and she noted that they have recorded those dedications in the public records of Lake County, necessitating the following of statutory requirements for conservation areas, including no buildings, development or impacts. She added that there was a part of that agreement that stipulated that the road could be relocated based on the developer's designs, which staff has tightened up in the PUD to require that to go through the road vacation process subject to a public hearing. She pointed out that page 4 in the staff report contained a lot of road requirements and conditions, including improvements to Emil Jahna Road and right of way for Hartle Road and Hook Street which will result in a major Hartle Road extension further to the south and an entrance off of SR 50 for Emil Jahna Road. She mentioned that they



also did a new traffic study, which was provided to staff, that found that there were no adverse impact with the previously-mentioned improvements to the roads, and they had obtained a school capacity reservation from the School Board based on a non-age restricted development until March of 2015. She pointed out that the staff report requires that they do an environmental assessment at the time of construction plan approval for each phase of the development. She assured the board that their goal was to keep this ordinance as close to the original one as possible regarding density and intensity and to follow the other usual requirements for a PUD. She opined that this request was a straightforward proposition, and she related that at some point they would be requesting a utilities agreement with the City of Clermont, which would require annexation into the City.

The Chairman opened the public hearing.

Ms. Beverly Allison, a resident of Clermont, mentioned that there were conservation easements for property surrounding Magnolia Bay and Magnolia Island and that the construction project was located at the very end of Hartle Road near SR 50. She commented that that area still contained many gopher tortoises, as well as osprey and other wildlife. She expressed concern that the data regarding wildlife on that property was from 2009 and requested that it be updated and looked at again. She added that the construction by Johns Lake has grown tremendously in the last year, since lakefront property is very desirable, and she specified that about 2,000 houses are going up around Hartwood Marsh. She reported that there were 1,170 properties that were empty in Clermont, and she opined that there were plenty of spaces for families to live. She also expressed concerns regarding traffic on SR 50, impact on property values, and the environmental impacts of development in the area; and she summarized that overdevelopment of the St. Johns Lake area is getting to be an issue.

There was no one else from the public that wanted to address the board at this time.

Ms. Bonifay rebutted that they provided what was done under the permits needed to reclaim the mine in 2009, since that was when the activity took place, and she pointed out that there was a requirement in the PUD ordinance for an up-to-date environmental assessment at the time that they submit the construction plans for each phase as it moves forward of any local, state, or federal threatened or endangered species from the appropriate governmental agency. She noted that they did a traffic study which was based on the methodology required by the Lake-Sumter MPO with input from the City of Clermont and the Lake County engineer which determined that SR 50 would have a number of access points after the required improvements are made, including the goal of the County to have Hartle go all the way south in order to be a reliever off of SR 50. She opined that they are not seeing overdevelopment in that area, pointing out that the owner has gone above and beyond by honoring an agreement that was never recorded which limited the amount of units and dedicating the previously-mentioned conservation areas, and she added that there were not any lake-front lots in this development. She added that buffering which was in the original ordinance was also included, and she commented that the owner has acted in good faith. She opined that this project will enhance property values as opposed to a mass-graded reclaimed mine site, since this will be a nice development.



**MOTION by Tim Morris, seconded by Kathryn McKeeby to APPROVE PH#27-14-2, Jahna PUD Amendment.**

**FOR:** Morris, Gonzalez, Bryan, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 4-0

**OTHER BUSINESS**

Mr. Greene explained that January of 2015 will be the expiration of four of the Planning & Zoning Board seats for District 1, District 4, the at-large seat, and the School Board representative. He commented that staff would strongly encourage the board members to reapply for those seats, and he related that staff could provide those applications after the meeting.

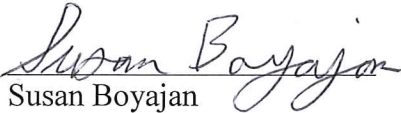
Mr. Bryan requested that the two board members who were absent that day but are impacted receive that information via email or by some other means.

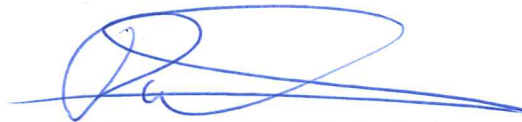
Mr. Greene stated that he would do that and mentioned that the next meeting would be held in January.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:50 a.m.

Respectfully submitted,

  
Susan Boyajan  
Clerk, Board Support

  
Paul Bryan  
Chairman